



# House of Representatives

General Assembly

**File No. 548**

January Session, 2011

Substitute House Bill No. 5464

*House of Representatives, April 18, 2011*

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-2a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Abusive conduct" means conduct or a single act of a state  
5 employee in the workplace that is performed with malice and is  
6 unrelated to the state's legitimate interest that a reasonable person  
7 would find hostile or offensive considering the severity, nature and  
8 frequency of the conduct or the severity and egregiousness of the  
9 single act. Abusive conduct includes, but is not limited to, (A) repeated  
10 infliction of verbal abuse such as the use of derogatory remarks, insults  
11 and epithets; (B) verbal or physical conduct that a reasonable person  
12 would find threatening, intimidating or humiliating; or (C) sabotaging

13 or undermining a person's work performance; and

14 (2) "State employee" means any employee in the executive,  
15 legislative or judicial branch of state government, but does not include  
16 contractors, subcontractors or vendors of the state.

17 (b) For the fiscal year ending June 30, 1999, and each fiscal year  
18 thereafter, the Commissioner of Administrative Services, in  
19 consultation with the Commissioner of Mental Health and Addiction  
20 Services and the Commissioner of Public Safety, shall, within the limits  
21 of available appropriations, provide an appropriate program of  
22 workplace stress and violence awareness, prevention and  
23 preparedness for state employees.

24 (c) On or before January 1, 2012, and annually thereafter, the  
25 Commissioner of Administrative Services shall submit a report, in  
26 accordance with the provisions of section 11-4a, to the Governor and  
27 the joint standing committee of the General Assembly having  
28 cognizance of matters relating to labor summarizing the number of  
29 complaints of workplace violence or abusive conduct involving state  
30 employees and the outcomes of such complaints for the preceding  
31 year. Such report shall include recommendations for administrative or  
32 legislative action related to such complaints.

33 Sec. 2. (*Effective from passage*) On or before January 1, 2012, the  
34 Commissioner of Administrative Services, or the commissioner's  
35 designee, in consultation with the Commissioners of Public Safety,  
36 Public Works and Mental Health and Addiction Services, or their  
37 designees, shall, within existing budgetary resources, establish policies  
38 and procedures for preventing, reporting, evaluating and investigating  
39 complaints of abusive conduct occurring in the workplace between  
40 state employees.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	4a-2a
-----------	---------------------	-------

Sec. 2	<i>from passage</i>	New section
--------	---------------------	-------------

**LAB**      *Joint Favorable Subst. C/R*      GAE

**GAE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill establishes reporting requirements on state employee workplace violence complaints and outcomes and does not result in a fiscal impact to the Department of Administrative Services.

***The Out Years:*** None

---

**OLR Bill Analysis****sHB 5464*****AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE.*****SUMMARY:**

This bill requires the administrative services commissioner to report annually, beginning January 1, 2012, on the number of state employee workplace violence and “abusive conduct” complaints and complaint outcomes. The bill defines a state employee as any employee in the executive, legislative, or judicial branch, but not contractors, subcontractors, or vendors.

The report must go to the governor and Labor Committee and include recommendations for administrative or legislative action related to the complaints.

It also requires the commissioner, or his designee, in consultation with the public safety, public works, and mental health and addiction services commissioners, or their designees, to establish policies and procedures for preventing, reporting, evaluating, and investigating complaints of abusive conduct occurring in the workplace between state employees (see BACKGROUND). This must be done within existing budgetary resources.

The bill defines abusive conduct in the workplace.

EFFECTIVE DATE: Upon passage

**ABUSIVE CONDUCT**

The bill defines abusive conduct as a state employee’s conduct or single act in the workplace that is performed with malice and is unrelated to the state’s legitimate interest, that a reasonable person

would find hostile or offensive considering the severity, nature, and frequency of the conduct or the severity and egregiousness of the single act. Abusive conduct includes (1) repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets; (2) verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or (3) sabotaging or undermining a person's work performance.

## **BACKGROUND**

### ***Statewide Security Management Council and Violence in the Workplace Policy and Procedures Manual***

Abusive conduct, along with other behaviors, is addressed by the Statewide Security Management Council, which by law must establish workplace safety standards and conduct security audits of state facilities (CGS § 4b-136). After Governor Rowland issued Executive Order No. 16 (1999), which addressed workplace violence, harassment, and intimidating behavior, the council issued a detailed "Violence in the Workplace Policy and Procedures Manual." The manual provides details for (1) preventive actions state agencies must take; (2) what constitutes violence or other inappropriate behavior; and (3) what steps must be taken to address workplace incidents of violence, threats, or harassment.

All executive branch agencies were required to adopt the manual. The Department of Administrative Services, which has broad authority in state employee personnel matters, incorporated the manual into its training for human resources personnel. The manual outlines the responsibilities of each agency's human resources office including responding to and investigating all complaints of workplace violence, threats, or potential violence.

### ***Related Bill***

SHB 5174 (File 31) requires the administrative services commissioner to develop an employee training program on workplace violence awareness, prevention, and preparedness. It requires all full-time state employees to attend this training.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (02/24/2011)

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (04/01/2011)